

REMARKS

This application has been carefully reviewed in light of the Office Action dated June 24, 2009. Claims 1, 3 and 5 to 15 are in the application, with Claims 1, 6 to 8, 10 and 12 being independent. Reconsideration and further examination are respectfully requested.

Claims 1, 3 and 5 to 15 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,336,045 (Brooks) in view of U.S. Patent No. 6,747,736 (Takahashi). Reconsideration and withdrawal of the rejections are respectfully requested.

Independent Claim 1 is directed to a method of identification of a living body. The method comprises the steps of detecting a first electromagnetic wave in a frequency band ranging from 300 GHz to 30 THz generated from the living body, and detecting a second electromagnetic wave in the frequency band from the living body. The first and second electromagnetic waves include superposed biological information. The method further comprises deriving a time waveform by using the first and second electromagnetic waves, extracting the biological information by filtering the time waveform through a frequency property, and comparing the biological information with preliminarily memorized biological information. The biological information extracted from the time waveform is derived from delay times of the first and second electromagnetic waves caused by a change of position in time of a portion of the living body.

The applied art is not seen to disclose or suggest the features as set out in Claim 1, and is not seen to disclose or suggest at least the feature that biological

information extracted from a time waveform is derived from delay times of first and second electromagnetic waves caused by a change of position in time of a portion of a living body.

Brooks is seen to disclose a system for measuring electric and magnetic properties of an organism in order to determine the organism's identity. The system induces and detects current flow through the organism, analyzes the detected current flow, and compares the detected property with a previously stored property. See Brooks, column 24, lines 21 to 34. Brooks provides that when a portion of an organism interrupts an electric or magnetic field, a detector measures the amount of interruption and compares it to previously identified information to identify the organism. See Brooks, column 14, line 35, to column 15, line 5.

As conceded by the Office Action on page 3, Brooks does not teach that biological information is "extracted [sic, derived]" from a time delay caused by change in position of a body over time. Accordingly, Brooks is also not seen to disclose or suggest that biological information extracted from a time waveform is derived from delay times of first and second electromagnetic waves caused by a change of position in time of a portion of a living body.

Takahashi is seen to disclose a terahertz wave detector for detecting a terahertz wave which is transmitted through a sample. The timing at which a probe light is irradiated on an optical switching device in the terahertz wave detector is varied by driving a movable reflector in a variable optical delay device. See Takahashi, column 10, lines 10 to 24. A time domain measurement is performed while the movable reflector successively

reaches positions within a range to attain corresponding amounts of delay time. See Takahashi, column 12, lines 39 to 44. Thus, the delay time of Takahashi is caused by driving the movable reflector, and is not seen to be caused by a change of position in time of a portion of a living body. Accordingly, like Brooks, Takahashi is not seen to disclose or suggest that biological information extracted from a time waveform is derived from delay times of first and second electromagnetic waves caused by a change of position in time of a portion of a living body.

For the above reasons, the applied references are not seen to disclose or suggest the features of Claim 1. It is therefore believed that Claim 1 recites subject matter that would not have been obvious. Withdrawal of the rejection of Claim 1 is therefore respectfully requested.

Independent Claims 6 to 8, 10 and 12 are likewise seen as allowable over the applied combination of Brooks and Takahashi. Allowance of these claims is therefore respectfully requested.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect, the individual consideration of each on its own merits is respectfully requested.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa,
California office at (714) 540-8700. All correspondence should continue to be directed to
our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael K. O'Neill", is written over a horizontal line.

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